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Patent

Attorney's Docket No. P2492C-961

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REQUEST FOR FILING CONTINUATION/DIVISIONAL
APPLICATION UNDER 37 C.F.R. § 1.53(b)

MAIL STOP PATENT APPLICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Customer No. 21839

Sir:

This is a request for filing a [X] continuation [] divisional application under 37 C.F.R. § 1.53(b) of pending Application No. 09/805,920 filed on March 15, 2001, for COLOR PALETTE PROVIDING CROSS-PLATFORM CONSISTENCY, by the following named inventor(s):

- (a) Full Name Brian ROSE
- (b) Full Name _____
- (c) Full Name _____

[X] The entire disclosure of the prior application from which a copy of the oath or declaration is supplied herewith is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

[] This application is being filed by less than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.63(d)(2), the Commissioner is requested to delete the name(s) of the following person or persons who are not inventors of the invention being claimed in this application.

- (a) Full Name _____
- (b) Full Name _____
- (c) Full Name _____

[] This application is being filed by more than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.63(d)(5), a new oath or declaration is enclosed, and the Commissioner is requested to add the name(s) of the following person or persons who are inventors of the invention being claimed in this application.

- (a) Full Name _____
- (b) Full Name _____
- (c) Full Name _____

[X] Applicant(s) suggests Figure 8 for inclusion on the front page of the patent application publication and/or patent.

[X] Applicant(s) requests that the published application include the following assignment information: Apple Computer, Inc.

1. [X] Enclosed is a copy of the prior Application No. 09/805,920 as originally filed on March 15, 2001, including copies of the specification, claims and the executed oath or declaration as filed.
2. [] Enclosed is a revised prior application and a copy of the prior executed oath or declaration as filed. No new matter has been added to the revised application.
3. [] Small entity status is hereby claimed.
4. [X] The filing fee is calculated below [X] and in accordance with the enclosed preliminary amendment:

C L A I M S					
	No. Of CLAIMS		EXTRA CLAIMS	RATE	FEE
Basic Application Fee					\$770.00 (1001)
Total Claims	37	MINUS 20 =	17	× \$18.00 (1202) =	306
Independent Claims	5	MINUS 3 =	2	× \$86.00 (1201) =	172
If multiple dependent claims are presented, add \$290.00 (1203)					0
Total Application Fee					1248
If small entity status is claimed, subtract 50% of Total Application Fee					0
Add Assignment Recording Fee of \$ <u>\$40.00 (8021)</u> if Assignment document is enclosed					0
TOTAL APPLICATION FEE DUE					1,248.00

5. [] This application is being filed without a filing fee. Issuance of a Notice to File Missing Parts of Application is respectfully requested.
6. [] Charge \$ _____ to Deposit Account No. 02-4800 for the fee due.
7. [X] A check in the amount of \$ 1,378.00 (\$1,248.00 for application and \$130.00 for Petition to Include Color Drawings) is enclosed for the fees due.
8. [X] The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

9. ☐ Cancel in this application original claims _ of the prior application before calculating the filing fee.
10. ☒ New drawings are enclosed.
11. ☐ Priority of Application No. _ filed on _ in _ (country) is claimed under 35 U.S.C. § 119.
- ☐ The certified copy of the priority application
- ☐ is enclosed.
- ☐ was filed on _ in prior Application No. _, filed on _, and acknowledged by the Examiner on _ in Paper No. _.
- ☐ has not yet been filed.
12. ☒ A preliminary amendment is enclosed.
13. ☒ An Information Disclosure Statement is enclosed.
14. ☐ A General Authorization for Payment of Fees and Petitions for Extensions of Time is enclosed.
15. ☒ Also enclosed Application Data Sheet and Petition to Include Color Drawings in a Non-Provisional Application.
16. ☒ The power of attorney in the prior application is to Burns, Doane, Swecker & Mathis, L.L.P..
- a. ☒ The power appears in the original papers in the prior application.
- b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. ☐ Recognize as Associate Attorney _.
- d. ☒ Address all future communications to:

Eric K. Proul
BURNS, DOANE, SWECKER & MATHIS, L.L.P.
Customer Number: **2 1 8 3 9**
P.O. Box 1404
Alexandria, Virginia 22313-1404

Date: February 23, 2004

By: 
Eric K. Proul
Registration No. 45,025

ADDRESS OF SIGNATOR:

BURNS, DOANE, SWECKER & MATHIS, L.L.P.
P.O. Box 1404
Alexandria, Virginia 22313-1404
(650) 622-2300

☐ inventor(s)
☐ assignee of complete interest
☒ attorney or agent of record
☐ filed under 37 C.F.R. § 1.34(a)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	
)	
Brian ROSE)	Group Art Unit: Unassigned
)	
Application No.: Unassigned)	Examiner: Unassigned
)	
Filed: Herewith)	Confirmation No.: Unassigned
)	
For: COLOR PALETTE PROVIDING)	
CROSS-PLATFORM CONSISTENCY)	
)	
)	

PETITION TO INCLUDE COLOR DRAWINGS
IN A NON-PROVISIONAL APPLICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. § 1.84(a)(2), Applicant respectfully requests that color drawings be accepted in the non-provisional application filed herewith. This petition is accompanied by the fee set forth in 37 C.F.R. § 1.17(h), three sets of color drawings, and one black-and-white photocopy of the color drawings.

Applicant submits that the color drawings are necessary for understanding and examining of the application. The invention disclosed in the non-provisional application concerns the organization and derivation of color palettes and the different colors used therein. It is respectfully submitted that because of the various shades of colors and the organization of those various shades in color palettes, it would be extremely difficult to represent the various shades and organizations in a black and white representation. Thus, in order to provide drawings that accurately represent all of the characteristics of the invention disclosed in the specification, it is most appropriate to submit these drawings in color.

Also, Applicant submits that the color drawings are of such quality that they are reproduceable in black and white for reasons of patent printing.

Petition to Include Color Drawings in a Non-Provisional Application

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Applicant respectfully submits that the provisions for inclusion of color drawings, set forth in 37 C.F.R. § 1.84(a)(2), have been met. Thus, a favorable and prompt response to this petition is respectfully requested.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: February 23, 2004

By:



Eric K. Proul

Registration No. 45,025

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